

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re	)	Chapter 11
W.R. Grace & Co., <i>et al.</i> ,	)	Case No. 01-01139 (JJF)
	)	(Jointly Administered)
Debtors.	)	Objection Deadline: November 19, 2001 at 4:00 pm
	)	Hearing Date: TBD

**NOTICE OF APPLICATION**

TO: PARTIES ON ATTACHED SERVICE LIST

Ferry & Joseph, P.A. has filed its Second Interim Fee Application Request for Approval and Allowance of Compensation for Services Rendered and Reimbursement of Expenses as Counsel to the Official Committee of Asbestos Property Damage Claimants for the Period of July 1, 2001 through September 30, 2001.


Objections or responses, if any, to the attached application must be filed with the United States Bankruptcy Court on or before November 19, 2001 at 4:00 p.m.

At the same time, you must also serve a copy of the objection or response upon the persons on the undersigned counsel and the attached service list.

HEARING ON THE MOTION WILL BE HELD AT A TIME TO BE DETERMINED.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE APPLICATION WITHOUT FURTHER NOTICE OR HEARING.

FERRY & JOSEPH, P.A.

  
\_\_\_\_\_  
Michael B. Joseph (#392)  
Theodore J. Tacconelli (#2678)  
Rick S. Miller (#3418)  
824 Market Street, Suite 904  
P.O. Box 1351  
Wilmington, DE. 19899  
(302) 575-1555  
Counsel to the Official Committee of Asbestos  
Property Damage Claimants

Dated: October 30, 2001

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re	)	Chapter 11
W.R. Grace & Co., <i>et al.</i> ,	)	Case No. 01-01139 (JJF)
	)	(Jointly Administered)
Debtors.	)	

**SECOND INTERIM FEE APPLICATION REQUEST OF FERRY & JOSEPH, P.A.  
FOR APPROVAL AND ALLOWANCE OF COMPENSATION  
FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES AS COUNSEL  
TO THE OFFICIAL COMMITTEE OF ASBESTOS PROPERTY DAMAGE  
CLAIMANTS FOR THE PERIOD OF JULY 1, 2001 THROUGH SEPTEMBER 30, 2001**

Name of Applicant:	Ferry & Joseph, P.A.
Authorized to provide professional services to:	Official Committee of Asbestos Property Damage Claimants
Date of retention:	April 18, 2001
Period for which compensation and reimbursement is sought:	July 1, 2001 through September 30, 2001
Amount of compensation sought as actual reasonable and necessary:	<u>\$23,948.00</u>
Amount of expense reimbursement sought as actual reasonable and necessary:	<u>\$6,189.16</u>

This is an: ☒ interim      final fee request

The total time expended for fee application preparation is approximately 31.10 hours and the corresponding compensation requested is approximately \$ 4,217.00.

## Previous Quarterly Fee Requests:

		Requested		Approved	
Date Filed	Period	Fees	Expenses	Fees	Expenses
7/30/01	First Interim Fee Period 05/18/01 - 06/30/01	\$19,003.50	\$4,378.06	Pending	Pending

## ATTACHMENT B

Name of professional person	Position of the Applicant, Number of Years in Position, Prior Relevant Experience, Year of Obtaining License to Practice, Area of Expertise	Hourly Billing Rate (including changes)	Total Billed Hours	Total Compensation
Michael B. Joseph	Partner, 25, Various, 1976, Bankruptcy	\$250.00 \$300.00	0.00 3.40	\$1,020.00
Theodore J. Tacconelli	Associate, 13, Various, 1988, Bankruptcy, Commercial Litigation	\$185.00 \$200.00	41.80 43.30	\$15,864.00
Rick S. Miller	Associate, 5, 1995, Various, Bankruptcy, General Litigation	\$160.00	36.50	\$5,840.00
Lisa L. Coggins	Legal Assistant, < 1 year	\$80.00	15.30	\$1224.00
Grant Total:			140.30	\$23,948.00
Blended Rate:	\$170.69			

## COMPENSATION BY PROJECT CATEGORY

PROJECT CATEGORY	TOTAL HOURS	TOTAL FEES
Case Administration/General	38.10	\$6,657.00
Fee Applications	31.10	\$4,217.00
Asbestos/Fraudulent Transfer Lit.	40.20	\$7,628.50
Retention of Professionals	.70	\$112.00
Committee Mtgs. and Teleconferences	24.40	\$4,705.50
Court Hearings	.80	\$128.00
Travel Time	5.00	\$500.00
Other (Explain)	0.00	\$0.00

## EXPENSE SUMMARY

EXPENSE CATEGORY	PROVIDER	TOTAL EXPENSES
Computer Legal Research	Lexis	\$0.00
Facsimile (\$1.00 per page)	Ferry & Joseph, P.A.	\$692.00
In-House Reproduction	Ferry & Joseph, P.A.	\$847.65
Outside Reproduction	Reliable Copy / Parcels	\$2,799.32
Document Service and Retrieval	Parcels	\$663.72
Filing/Court Fees		\$0.00
Out-of-Town Travel	Hotel and Airfare	\$497.12
Courier & Express Carriers	Federal Express; Tri-State	\$358.85
Postage		\$145.63
Other (Explain)	Hearing Transcript	\$184.87

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	)	(Jointly Administered)
Debtors.	)	Objection Deadline: November 19, 2001 at 4:00 pm
	)	Hearing Date: TBD

**SECOND INTERIM FEE APPLICATION REQUEST OF FERRY & JOSEPH, P.A.  
FOR APPROVAL AND ALLOWANCE OF COMPENSATION FOR SERVICES  
RENDERED AND REIMBURSEMENT OF EXPENSES AS COUNSEL TO THE  
OFFICIAL COMMITTEE OF ASBESTOS PROPERTY DAMAGE  
CLAIMANTS FOR THE PERIOD OF JULY 1, 2001 THROUGH SEPTEMBER 30, 2001**

Ferry & Joseph, P.A. ("applicant"), counsel to the Official Committee of Asbestos Property Damage Claimants ("the PD Committee") of W.R. Grace & Co. ("Grace") and its sixty-one domestic subsidiaries and affiliates that are debtors and debtors-in-possession (the "Debtors") in this Court, for its application pursuant to 11 U.S.C. §§ 330 and 331 and in accordance with the Administrative Fee Order (defined below) for its second interim fee application request for approval and allowance of compensation for services rendered and for reimbursement of expenses incurred in connection therewith, respectfully represents as follows:

**I. Introduction**

1. Applicant, as counsel to the PD Committee, seeks (i) approval and allowance, pursuant to Section 331 of the Bankruptcy Code of compensation for the professional services rendered by applicant as counsel for the PD Committee from July 1, 2001 through September 30, 2001 ("the Second Interim Fee Period") in the aggregate amount of \$23,948.00 representing 140.3 hours of professional services and (ii) reimbursement of actual and necessary expenses incurred by the applicant during the Second Interim Fee Period in connection with the rendition of such professional services in the aggregate amount of \$6,189.16.

2. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.

## **II. Background**

3. On April 2, 2001, each of the debtors filed voluntary petitions for reorganization under Chapter 11 of the Bankruptcy Code. The debtors continue to operate its business and manage their properties as a debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code. The debtors' Chapter 11 cases have been procedurally consolidated and are being jointly administered. No trustee or examiner has been appointed in this case.

4. On April 12, 2001, the United States Trustee formed the PD Committee. Thereafter, the PD Committee approved the retention of applicant as its local Delaware counsel.

5. By application dated June 22, 2001, applicant sought Court approval for its retention as counsel to the PD Committee *nunc pro tunc* to April 18, 2001. The Court signed the Order approving the retention on June 22, 2001

6. This is the second interim fee application request that the applicant has filed with the Court for an allowance of compensation and reimbursement of expenses for services rendered to the PD Committee. This application is submitted pursuant to the terms of the Administrative Order Under §§105(a) and 331 Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Official Committee Members approved by the Court on May 3, 2001 ("the Administrative Fee Order"). Previously, in accordance with the Administrative Fee Order, applicant has filed with the Court three Fee Applications that are the subject of this Request, which are summarized as follows:

Date Filed	Period Covered	Fees Requested	Expenses Requested	Objections
09/05/01	07/01/01 - 07/31/01	\$11,833.00	\$2,538.98	None
10/01/01	08/01/01 - 08/31/01	\$6,068.00	\$1,391.31	None
10/30/01	09/01/01 - 09/30/01	\$6,048.00	\$2,258.87	Pending
Totals	07/01/01 - 09/30/01	\$23,948.00	\$6,189.16	

9. Applicant has received no payment and no promise for payment from any source for services rendered in connection with these cases. There is no agreement or understanding between applicant and any other person for the sharing of compensation to be received hereunder.

10. As stated in the Affidavit of Rick S. Miller, Esquire, attached hereto as Exhibit "A," all of the services for which compensation is sought herein were rendered for and on behalf of the PD Committee solely in connection with these cases.

### **III. Summary of Services Rendered**

11. In accordance with Local Rule 2016-2 dated December 12, 1996 and the Administrative Fee Order, and to assist the Court, the debtors, the Trustee and other parties in interest in evaluating this application for compensation, the primary services performed by applicant during the Second Interim Fee Period are summarized in the Summary attached hereto as Exhibit "B." The summary reflects certain services of major importance which required the special attention, efforts and skill of applicant. Applicant's services throughout the Second Interim Fee Period have been valuable to the PD Committee in providing advice and counsel as well as the preparation, service and filing of various administrative and substantive litigation pleadings and papers in conformity with Delaware bankruptcy practice and the Rules of this Court.

12. In accordance with the Administrative Fee Order and the Local Rules, a summary sheet of the attorneys and their corresponding names, year of admission, hourly rates and the number of hours incurred by each is set forth on Attachment B. The hourly rates reflect what applicant generally charges its other clients for similar services. An itemization including identification of services performed by the attorneys sorted by date and time keeper is attached hereto as Exhibit "C," which also contains a statement of applicant's disbursements, necessarily incurred in the performance of applicant's duties as counsel to the PD Committee.

13. Applicant has worked closely with the PD Committee's primary counsel, Bilzin Sumberg Dunn Baena Price & Axelrod, LLP to avoid unnecessary duplication of services.

#### **IV. Conclusion**

14. Applicant has necessarily and properly expended 140.3 hours of services in the performance of its duties as counsel to the PD Committee during the Second Interim Fee Period. Such services have a fair market value of \$23,948.00.<sup>1</sup> The work involved and thus the time expended, was carefully assigned in light of the expertise required for each particular task.

15. In addition, applicant incurred actual out-of-pocket expenses in connection with the rendition of services to the PD Committee in the sum of \$6,189.16 for which it respectfully requests reimbursement in full.

16. Applicant charges \$.15 per page for in-house photocopying services. Applicant charges the actual cost from the vendor for out-sourced photocopying and document retrieval, and computerized legal research. Applicant charges \$1.00 per page for out-going facsimile transmissions, and does not charge for in-coming facsimiles.

17. Applicant has reviewed the requirements set forth in Local Rule 2016-2 and believes

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<sup>1</sup>Pursuant to Local Rule 2016 applicant has reduced its total compensation amount by \$500.00 representing 50% of the total amount of travel time billed at its normal hourly rate.



that this application for interim compensation complies therewith.

18. Applicant has made no prior application in this or any other Court for the relief sought herein.

WHEREFORE applicant respectfully requests pursuant to the Administrative Fee Order:

a) the approval and allowance, pursuant to section 331 of the Bankruptcy Code of compensation for professional services rendered to the PD Committee during the Second Interim Fee Period of July 1, 2001 through September 30, 2001 in the amount of \$23,948.00,

b) the approval and allowance of applicant's out-of-pocket expenses incurred in connection with the rendition of such services during the Second Interim Fee Period of July 1, 2001 through September 30, 2001 in the amount of \$6,189.16, and

c) such other relief as the Court deems just.

FERRY & JOSEPH, P.A.



Michael B. Joseph (#392)

Theodore J. Tacconelli (#2678)

Rick S. Miller (#3418)

824 Market Street, Suite 904

P.O. Box 1351

Wilmington, DE. 19899

(302) 575-1555

Counsel to the Official Committee of Asbestos  
Property Damage Claimants

Dated: October 30, 2001

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re	)	Chapter 11
	)	
W.R. Grace & Co., <i>et al.</i> ,	)	Case No. 01-01139 (JJF)
	)	(Jointly Administered)
Debtors.	)	

**ORDER APPROVING AND ALLOWING SECOND INTERIM  
FEE APPLICATION REQUEST OF  
FERRY & JOSEPH, P.A. FOR COMPENSATION FOR  
SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES  
AS COUNSEL TO THE OFFICIAL COMMITTEE OF ASBESTOS  
PROPERTY DAMAGE CLAIMANTS FOR THE  
PERIOD OF JULY 1, 2001 THROUGH SEPTEMBER 30, 2001**

AND NOW, to wit this \_\_\_\_ day of \_\_\_\_\_, 2001, the Court having heard the Second Interim Fee Application Request of Ferry & Joseph, P.A. for Approval and Allowance of Compensation for Services Rendered and Reimbursement of Expenses as Counsel to the Official Committee of Asbestos Property Damage Claimants for the Period of July 1, 2001 through September 30, 2001, and the Court having found that the relief sought therein is reasonable and necessary, IT IS HEREBY ORDERED as follows:

1. The Request is GRANTED
2. The Court approves and allows the legal fees of Ferry & Joseph, P.A. in the amount of \$23,949.00 and expenses in the amount of \$6,189.16.

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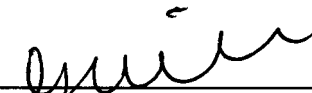
UNITED STATES DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I, Rick S. Miller, Esquire, hereby certify that on this 31 day of October, 2001, I caused one copy of the Second Interim Fee Application Request of Ferry & Joseph, P.A. for Approval and Allowance of Compensation for Services Rendered and Reimbursement of Expenses as Counsel to the Official Committee of Asbestos Property Damage Claimants for the Period of July 1, 2001 through September 30, 2001 to be served to the following persons in the indicated manner:

SEE ATTACHED SERVICE LIST

Upon penalty of perjury I declare that the foregoing is true and correct.

  
\_\_\_\_\_  
Rick S. Miller, Esquire (#3418)

**SERVICE LIST**

**By hand:**

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